

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In the Matter	: Chapter 7
-of-	: Case. No. 21-10699 (DSJ)
KOSSOFF PLLC,	:
	:
Debtor.	:
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ALBERT TOGUT, Not Individually but Solely,	:
in His Capacity as Chapter 7 Trustee of the	:
Estate of Kossoff PLLC,	:
Plaintiff,	: Adv. Pro. No. 22-01113 (DSJ)
v.	:
VNB NEW YORK LLC,	:
VALLEY NATIONAL BANK,	:
MITCHELL H. KOSSOFF, and	:
PAMELA KOSSOFF, in her capacity as Executor	:
of the Estate of Phyllis Kossoff,	:
Defendants.	:
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**ORDER DENYING MOTION BY
MITCHELL H. KOSSOFF FOR JUDGMENT ON THE PLEADINGS**

On December 22, 2022, Mitchell H. Kossoff (“Kossoff”) filed a motion for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, made applicable to adversary proceedings pursuant to Rule 7012 of Federal Rules of Bankruptcy Procedure [Main Case, ECF No. 464, as amended at Main Case, ECF Nos. 465, 469, 471, and 472] (the “Motion”); and the Court having considered the Motion and all of the pleadings filed in connection with the Motion, including: the *Trustee’s Opposition to Mitchell Kossoff’s Motion*

for Judgment on the Pleadings [Main Case, ECF No. 476] (the “Trustee’s Opposition”),¹ and the *Reply in Further Support of Motion for Judgment on the Pleadings* [Main Case, ECF No. 490]; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and upon all prior pleadings and proceedings had herein and the record of the hearing held on February 15, 2023 (the “Hearing”) during which the Court heard Kossoff, *pro se*, and Albert Togut, the Chapter 7 Trustee and plaintiff herein, by his attorneys, Togut, Segal & Segal LLP, **and rendered an oral ruling, [DSJ 2/16/23]**

IT IS HEREBY ORDERED:

1. For the reasons set forth on the record of the Hearing, the Motion is **DENIED**.
2. The terms and conditions of this Order shall be effective immediately upon its entry.
3. The Trustee shall mail a copy of this Order to Kossoff not later than two (2) business days after the date of entry hereof.
4. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

DATED: New York, New York
February 16, 2023

s/ David S. Jones
HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE

¹ The Trustee’s Opposition also appears on the docket of the above-captioned adversary proceeding at ECF No. 32.